

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

FEB 20 2015

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Ramon Gerardo Rodriguez-Pena
A021 593 014 YOB:PRINCIPAL
1959

United States

Case Number:

M-15- 0274 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 19, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Gabriel Albarran-Bernal and Jose Alberto Albarran-Bernal citizens and national of the United Mexican States and two (2) other undocumented aliens for a total of four (4) who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY


I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On February 19, 2015, at approximately 3:30 p.m., Rio Grande City Border Patrol Agent R. Fuentes observed a group of subjects wading across the Rio Grande River. This area is just west of the Roma, Texas Port of Entry and is notorious for alien smuggling. This information was then relayed via radio and Agent P. Mastandrea responded to the traffic. Agent Fuentes maintained visual of the subjects and observed the group of four cross the river, go up a berm and run towards the street. The group was then observed entering a black SUV. Agent Fuentes maintain visual and advised agents of the direction of travel of the load vehicle.

Agent Mastandrea arrived and was able to observe the black SUV leaving the area. As Agent Mastandrea followed it, Agent Fuentes advised via radio that the vehicle was indeed the one that picked up the subjects. As Agent Mastandrea was following the vehicle, he could only see two visible occupants but the vehicle looked weighed down from the rear. At that point, Agent Mastandrea initiated his emergency equipment and conducted a vehicle

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Andrew Johnson Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

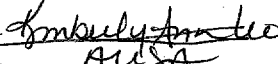
February 20, 2015
Date

3:43 pm

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

Approved to file 
AUSA

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0274 -M

RE: Ramon Gerardo Rodriguez-Pena

A021 593 014

CONTINUATION:

As Agent Mastandrea walked up to the vehicle, he could see 3 subjects laying down in the rear seat. The driver was identified as Ramon Gerardo RODRIGUEZ-Pena, a United States Citizen. The 4 passengers were determined to be undocumented aliens illegally present in the United States.

All subjects were then transported to the Rio Grande City Border Patrol Station.

Once at the Station, records checks for RODRIGUEZ revealed 3 prior Administrative Alien Smuggling Cases. 1st case occurred on October 22, 2013 (1 on 1). 2nd case occurred on November 11, 2013 (1 on 2). 3rd case occurred on November 15, 2014 (1 on 2). Also, on May 16, 2014, Roma PD arrested him for Smuggling of Persons: SBI or Death, unknown disposition.

Principal Statement:

Once at the Station, Agents read Ramon Gerardo RODRIGUEZ-Pena his Miranda Rights again and he gave a statement without an attorney present.

RODRIGUEZ stated that he is a Naturalized Citizen and lives in Roma, Texas. He made arrangements with a smuggler by the name of "Memo" to pick up the undocumented aliens. He was going to get paid \$100 US for each illegal alien that he transported to the Family Center in Roma. RODRIGUEZ further stated that this is his second time picking up undocumented aliens, RODRIGUEZ further stated that he has been arrested before for Possession of Marijuana, over 50 lbs but less than 2,000 lbs.

MATERIAL WITNESS'S STATEMENTS

Once at the Station, both material witness were advised of their Miranda Rights and they gave a statement without an attorney present.

1-Gabriel ALBARRAN-Bernal stated that he is a citizen and national of Mexico. He was going to pay \$5,500 US dollars to be smuggled into the United States. On February 19, 2015, his group was smuggled into the United States. They were instructed to run up a berm towards the second block where a black SUV would be waiting. So, they followed the instructions and they ran towards the vehicle. The driver in the black SUV signaled them by turning on and off his headlight. After they got into the vehicle, the driver didn't say anything and drove away from the area. They were stopped by Border Patrol shortly after. Gabriel identified Ramon Gerardo RODRIGUEZ-Pena in a photo lineup as the driver of the black SUV.

2-Jose Alberto Albarran-Bernal stated that he is a citizen and national of Mexico. He claims to have made his smuggling arrangements in Toluca, Mexico and was going to pay \$5,500 US in smuggling fees. On February 19, 2015, his group was taken to the river and walked across the river up to a berm toward the street. They were instructed to run towards the street and get into a Black SUV. He observed the vehicle turn around half way and stop, so the passenger side was facing them. They then ran to the truck and everyone got inside. Once inside, the driver told them to get down. He identified Ramon Gerardo RODRIGUEZ-Pena in a photo lineup as the driver of the black SUV. The driver then drove off but was stopped by immigration.